

USO 4571.3
PATENT

REMARKS

With this amendment, claims 1-18 are pending.

Paragraph [0037] of the application has been amended to reflect the correct chemical structure of FC101. Support for the amendment to paragraph [0037] may be found, for example, in the specification on page 9, paragraph [0037], wherein the proper chemical name of FC101 is listed, as well as in Pathre et al., Can. J. Chem., 64: 308-311 (1986), cited in the same paragraph of the specification.

Claim 7 has been amended to further clarify the invention. Support for the amendments to claim 7 may be found in the specification, for example, in Example 5, paragraph [0047], pages 13-14.

I. 35 U.S.C. 112, Enablement

Reconsideration is requested of the rejection of claim 7 under 35 U.S.C. §112, on the asserted basis that "the specification, while being enabling for treating cord-like structure associated with angiogenesis, does not reasonably provide enablement for preventing (prophylactic treatment) cord-like structure associated with angiogenesis."¹

Applicants have amended claim 7, replacing the term "prevention" with "inhibition", thereby obviating the enablement rejection.

II. 35 U.S.C. 112, Indefiniteness

Reconsideration is requested of the rejection of claim 7 under 35 U.S.C. §112, on the asserted basis that the phrase

¹ Office Action mailed June 16, 2005, at page 2.

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"cord-like" renders the claim indefinite because the elements encompassed by the "like" of "cord-like" are not actually disclosed in the specification.²

Applicants have amended claim 7, removing the term "-like" from the phrase "cord-like", thereby obviating the rejection.

III. Non-statutory Double Patenting

The asserted non-statutory double patenting rejection is noted. Without addressing the merits of the Office's rejection, Applicants file herewith a Terminal Disclaimer signed by an attorney of record and submitted with the appropriate fee to obviate any obviousness-type double patenting rejection the Office believes to be proper over U.S. Patent Nos. 5,932,611 and 6,660,765, each of which, along with the present application, is commonly owned.

IV. Claim Objections

Reconsideration is requested of the objection to claims 3, 5, 6, 8-10, 13, and 17 as being dependent on a rejected base claim.

Each of these claims depends from either claim 1, claim 11, or claim 15, each of which is subject to a non-statutory double patenting rejection. As the non-statutory double patenting rejection is obviated by Applicants' filing of a Terminal Disclaimer with this amendment, the objection to claims 3, 5, 6, 8-10, 13, and 17 is hereby rendered moot.

² Office Action mailed June 16, 2005, at page 3.

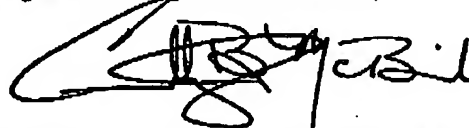
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CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and the issuance of a Notice of Allowance.

The Commissioner is hereby authorized to charge the small entity Terminal Disclaimer fee of \$65.00 to Deposit Account No. 19-1345. A Fee Transmittal Sheet is enclosed. The Commissioner is also authorized to charge any additional fees which may be required or credit any overpayments to Deposit Account No. 19-1345.

Respectfully submitted,



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TBM/sxm
*Enclosures

Via Facsimile
MAIL STOP AMENDMENT